

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. ~~31~~ 32

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte MERTON BERNFIELD and
OFER REIZES

Application No. 08/965,356

MAILED

OCT 29 2002

PAT. & T.M. OFFICE
OF PATENT APPEALS
& INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 23, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 1, 2001, appellants filed the following papers: (1) an Amendment (Paper No. 29); (2) a Request for Oral Hearing (Paper No. 30); and (3) a Reply to Examiner's Answer (Reply Brief).

The examiner made a notation on the Amendment "Considered 7/11/02. Do not enter. AMB." However, there is no indication that the examiner notified appellants as to

the entry status of this paper. Additionally, this paper needs to be assigned a paper number and entered in the "CONTENTS" portion of the administrative file.

With respect to the Reply Brief, there is no indication on the record whether the examiner considered and responded to this paper. The Manual of Patent Examining Procedure § 1208.04 states:

The examiner should notify appellant of consideration of the reply brief by using form paragraph 12.47.

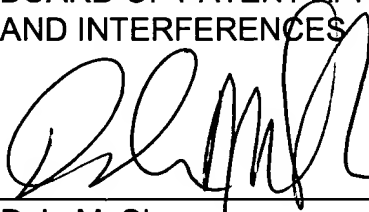
Accordingly, it is

ORDERED that the application is remanded to the Examiner for written notification to appellants as to the entry status of the amendment, assignment of a paper number, and entry in the "CONTENTS" portion of the administrative file, and it is

FURTHER ORDERED that the application is remanded to the Examiner for consideration and proper response to the Reply Brief, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

Dale M. Shaw
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